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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                        |
|------------------------|------------------------|
| Application Number     | 10/750,581             |
| Filing Date            | December 29, 2003      |
| First Named Inventor   | Robert E. Higashi      |
| Art Unit               | unknown                |
| Examiner Name          | unknown                |
| Attorney Docket Number | H0005015(1100.1237101) |

### ENCLOSURES (Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|---|---|
- Remarks  
Form PTO 1449  
9 non-US patent references  
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                        |          |        |
|--------------|------------------------|----------|--------|
| Firm Name    | Crompton Seager & Tuft |          |        |
| Signature    |                        |          |        |
| Printed name | Brian N. Tuft          |          |        |
| Date         | October 11, 2004       | Reg. No. | 38,638 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |               |      |                  |
|-----------------------|---------------|------|------------------|
| Signature             |               |      |                  |
| Typed or printed name | Lynn Thompson | Date | October 11, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert E. Higashi et al.

Confirmation No.: 8573

Serial No.: 10/750,581

Examiner: unknown

Filed: December 29, 2003

Group Art Unit: unknown

For: MICRO FUEL CELL

Docket No.: H0005015-0760(1100.1237101)

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))**

Mail Stop Amendment  
Assistant Commissioner for Patents  
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 11th day of October, 2004.

By: \_\_\_\_\_

Brian N. Tuffe

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

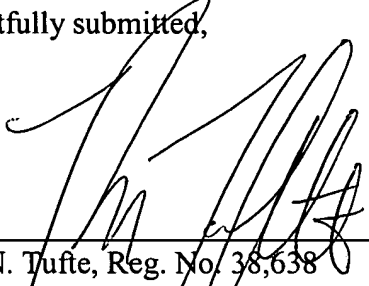
In accordance with 37 C.F. R. §1.98(a)(2), a copy of each non-US patent document or other information listed on the enclosed Form 1449 is provided.

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima facie case of unpatentability of any claim of the present case.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

Dated: October 11, 2004



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|   |  |                           |
|---|--|---------------------------|
| Page 1 of 2<br><b>FORM PTO-1449</b>   | Atty. Docket No.:<br>H0005015-0760<br>(1100.1237101) | Serial No.:<br>10/750,581 |
| LIST OF PATENTS AND PUBLICATIONS FOR<br>APPLICANT'S INFORMATION<br>DISCLOSURE STATEMENT | Applicant: Robert E. Higashi et al                   |                           |
|   | Filing Date:<br>December 29, 2003                    | Group Art:<br>unknown     |

### U.S. PATENT DOCUMENTS

| Examiner Initial | Document No. | Date       | Name              |  |
|------------------|--------------|------------|-------------------|--|
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|---|--|---------------------------|
| <b>FORM PTO-1449</b><br>Page 2 of 2   | Atty. Docket No.:<br>H0005015-0760<br>(1100.1237101) | Serial No.:<br>10/750,581 |
| LIST OF PATENTS AND PUBLICATIONS FOR<br>APPLICANT'S INFORMATION<br>DISCLOSURE STATEMENT | Applicant: Robert E. Higashi et al                   |                           |
|   | Filing Date:<br>December 29, 2003                    | Group Art:<br>unknown     |

### FOREIGN PATENT DOCUMENTS

| Examiner Initial | Document No. | Date       | Country | Translation<br>Yes No |
|------------------|--------------|------------|---------|-----------------------|
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### OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

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| EXAMINER: | DATE CONSIDERED:  |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.